

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DAMON SMITH AND AMBER
SMITH,

Plaintiffs,

V.

DEVON ENERGY PRODUCTION
COMPANY, L.P.,

Defendant.

CIVIL ACTION NO. 3:11-CV-0196-B

ORDER

Before the Court is Defendant Devon Energy Production Company, L.P.'s Partially Unopposed Rule 12 Motion to Transfer for Improper Venue or, in the Alternative, to Transfer for Convenience, and for Partial Dismissal for Failure to State a Claim (doc. 6). The property at issue in this case is in Denton County, Texas, which is located within the Eastern District of Texas, Sherman Division. (Pl.'s Original Compl. 3.) Plaintiffs reside in Denton County, Texas, and Defendant is a partnership residing in Oklahoma City, Oklahoma. (*Id.*) None of the alleged facts demonstrate any connection to the Northern District of Texas, and all alleged events giving rise to this action occurred in Denton County, Texas. (*Id.* at 3-5.)


Having considered the Motion and the filings in this case, the Court finds that this case was improperly filed in Northern District of Texas, and that the Eastern District of Texas is a more convenient forum. Accordingly, the Court **GRANTS** Defendant's Motion to Transfer pursuant to 28 U.S.C. §1406(a). This case is hereby **TRANSFERRED** to the Eastern District of Texas,

Sherman Division.

Because venue in the Northern District is improper, the Court makes no ruling on Defendant's Motion for Partial Dismissal for Failure to State a Claim.

SO ORDERED.

SIGNED March 3, 2011



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE